

EXHIBIT 6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANTEYA DANYELL WILLIAMS,)
MARY RUTH SCOTT; KAREN)
LATREECE COLEMAN; PRISCILLA)
BUNTON, and ALYCE DENISE PAYNE,)
on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
)
vs.) NO. C08-02301 SBA
)
CITY OF ANTIOCH,)
)
Defendant.)
_____)

DEPOSITION OF CHIEF JAMES HYDE

VOLUME I

WALNUT CREEK, CALIFORNIA

JUNE 24, 2009

REPORTED BY:

Cynthia Bynum Palmer

CSR NO. 3556

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANTEYA DANYELL WILLIAMS,)
MARY RUTH SCOTT; KAREN)
LATREECE COLEMAN; PRISCILLA)
BUNTON, and ALYCE DENISE)
PAYNE, on behalf of)
themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

CITY OF ANTIOCH,)

Defendant.)

NO. C08-02301 SBA

Deposition of CHIEF JAMES HYDE

taken on behalf of the plaintiffs

at McNamara, Dodge, Ney, Beatty,

Slattery, Pfalzer, Borges & Brothers,

LLP, 1211 Newell Avenue, Walnut

Creek, California, beginning

at 9:51 a.m. and ending at 5:04 p.m.

on Wednesday, June 24, 2009, before

Cynthia Bynum Palmer, CSR No. 3556

1
2 APPEARANCES:

3
4 FOR THE PLAINTIFFS:

5 COVINGTON & BURLING, LLP
6 By: Haywood S. Gilliam, Jr., Esq.
7 One Front Street
8 San Francisco, California 94111

9 and

10 BINGHAM McCUTCHEN
11 By: Abigail Konzatti Slonecker, Esq.
12 Seth Weisburst, Esq.
13 Three Embarcadero Center
14 San Francisco, California 94111-4067

15 FOR THE DEFENDANT:

16 McNAMARA, DODGE, NEY, BEATTY, SLATTERY,
17 PFALZER, BORGES & BROTHERS, LLP
18 By: James Fitzpatrick, Esq.
19 Howard Patrick Sweeney, Esq.
20 1211 Newell Avenue
21 Walnut Creek, California 94596

22 ALSO PRESENT: Karen Coleman

23 VIDEOGRAPHER: Sean Grant
24
25

1 THE VIDEOGRAPHER: Good morning. Here begins
2 the deposition of Chief James Hyde in the matter of
3 Santeya Danyell Williams, et al. versus City of Antioch.

4 This case is filed in the United States District
5 Court, Northern District of California, and the case
6 number is C08-02301 SBA.

7 Today's date is June 24th, 2009, and the time is
8 9:51 a.m. This deposition is taking place at McNamara,
9 Dodge, Ney, Beatty, Slattery & Pfalzer located at
10 1211 Newell Avenue, Walnut Creek, California, 94596, and
11 is being taken on behalf of the plaintiffs.

12 The reporter is Cindy Palmer appearing on behalf
13 of U.S. Legal Support.

14 The videographer is Sean Grant, also appearing
15 on behalf of U.S. Legal Support.

16 Counsel, please identify yourselves and state
17 whom you represent.

18 MR. GILLIAM: Haywood Gilliam, Abby Slonecker,
19 and Seth Weisburst on behalf of the plaintiffs. Also
20 present is Karen Coleman, named class representative
21 plaintiff.

22 MR. SWEENEY: Pat Sweeney, McNamara firm,
23 defendant.

24 MR. FITZGERALD: James Fitzgerald defending the
25 City of Antioch and also for the deponent, Chief Hyde.

1 THE VIDEOGRAPHER: Will the reporter please
2 swear in the witness.

3 CHIEF JAMES HYDE,
4 having been first duly sworn, was examined and testified
5 as follows:

6 THE VIDEOGRAPHER: Counsel?

7 EXAMINATION BY MR. GILLIAM

8 Q Good morning, Chief Hyde.

9 A Good morning.

10 Q Have you been deposed before?

11 A Yes, I have.

12 Q How many times?

13 A Two to three times.

14 Q So you have a sense of the ground rules, but
15 I'll go over them quickly. I'm sure you've likely
16 discussed them with your counsel also.

17 You understand that you're under oath today and
18 that the testimony you're giving is the equivalent of
19 what you would give in a court?

20 A Yes, sir.

21 Q A few just basic rules. One thing that's
22 important is to make sure SO that the record is clear we
23 don't talk over each other so we get a clear record for
24 the court reporter. Is that okay?

25 A Yes.

1 of what truly was the data, umm, what was, umm, you know,
2 innuendo and what was actual fact.

3 Q At any point did you determine that there was
4 some link between Section 8 households and crime?

5 A I think there was a -- what I -- I learned was
6 that, umm, when we met with the Housing director, myself,
7 Mr. Jakel, and I believe assistant city manager
8 Arlene Mornick to, you know -- to find out some
9 information, can we work together, is that over a course
10 of several meetings what we learned is that we were given
11 different information which was contrary from information
12 from the first meeting.

13 As an example, we were told that there was a --
14 a screening process of applicants and that screening
15 process was a criminal history screening process. In
16 later meetings we learned that the screening process was
17 a credit history check and there was no criminal history
18 screening process because the Housing Authority neither
19 had a process or funding to do that, umm --

20 Q Okay. So let me ask a -- the question again,
21 which is did -- was there any study done by you or others
22 in the Department to try to figure out if there was a
23 link between Section 8 households and criminal activity?

24 MR. FITZGERALD: Objection. Lacks foundation as
25 to time.

1 MR. GILLIAM: Ever.

2 THE WITNESS: Umm, in the process of -- of
3 looking at crime data and trying to track it across the
4 City, umm, you know, I think we look at all the different
5 causes and issues, but to be quite honest, we do not have
6 the resources and staff to do -- to conduct that kind of
7 research study around is there a link between crime and
8 Section 8.

9 Q So you never did because you didn't have the
10 resources?

11 A Yeah. We just didn't -- didn't have the
12 resources, umm, and to be quite honest, it wasn't a --
13 necessarily a priority for me. It was around how do we
14 reduce crime, how do we do more community outreach, how
15 do we work with youth in Antioch. Umm, Antioch has the
16 highest juvenile population in Contra Costa County, umm,
17 so we -- you know, how do we work with -- with kids
18 growing up.

19 We had a -- a school district from my perception
20 was very overwhelmed and over burdened, umm, campuses
21 with -- as an example, umm, one of the high school's
22 population at campus was 3500 kids, where usually a
23 campus is around 1500, no more than 2,000, so what I saw
24 was a community that in many regards as I talked before
25 that outgrew its infrastructure and was struggling even

1 because they were the tenured officers. As an example,
2 Sergeant Schwitters had done community policing endeavors
3 in Antioch early in his career as a patrol officer, the
4 same with Steve Bias, umm, and with Officer Dillard, his
5 prior experience in other jurisdictions, I think he
6 originally was a police officer in Atlanta for a period
7 of time, so, you know, these were tenured, experienced
8 police officers that were in the unit.

9 Q So they had generalized training in their past
10 about community policing issues but no training
11 particular to the CAT unit once it was created. Is that
12 right?

13 A That's correct. Umm, although I don't have
14 their training records in front of me to -- to work from.

15 MR. GILLIAM: Okay. Let's see. So let's look
16 at what's been previously marked as Exhibit 3.

17 Q (By Mr. Gilliam) I don't know who put the copy
18 of the post-it on there, but --

19 A Thank you.

20 Q You're welcome.

21 (Off record between counsel and witness.)

22 THE WITNESS: Okay.

23 Q (By Mr. Gilliam) You've read it?

24 A Yes, sir.

25 Q Chief Hyde, do you recognize deposition

1 Exhibit 3?

2 A Yes.

3 Q And what do you understand it to be?

4 A As stated at the top of the document, it says,
5 "CAT Case Flow Chart." It incorporates the primary
6 casing of SARA, scan, analysis, response, and assessment.

7 Q Did you have any role in drafting this document?

8 A Umm, not in drafting the document. My request
9 through Captain McConnell is that, umm, we -- what we do
10 we use a problem solving model. It would help us
11 identify those community problems that were requiring
12 greater need than others. It also would document in a
13 problem solving model of things we would do.

14 Q Okay. So you asked Captain McConnell to create
15 this document?

16 A What -- I didn't ask him to create this
17 document. What I asked him to do was to incorporate the
18 SARA model into the Community Action Team's activities,
19 and out of that discussion was the creation of this flow
20 chart.

21 Q Okay. Do you remember when that discussion with
22 Captain McConnell was?

23 A It was early on in my arrival to Antioch. It
24 was around the concern from my standpoint of expanding
25 the Community Action Team around businesses, schools, and

1 Q And you told Captain McConnell that?

2 A Yes.

3 Q And -- and what was the purpose of this document
4 as you understood it?

5 A Well, my -- my understanding of the purpose was
6 to incorporate a problem solving model around the
7 Community Action Team's work for the ability to
8 prioritize what work they were gonna work on, umm, and
9 then the other thing too is for that work is to
10 incorporate the -- the SARA problem solving model in
11 that.

12 Q Let me be clearer.

13 What was the purpose as you understood it for
14 having the document?

15 A Umm, I think it was just a -- a model for folks
16 to use.

17 Q In your view does this rise to the level of a --
18 a policy of the Antioch Police department?

19 A Not a policy, no.

20 Q Why not?

21 A Umm, it doesn't -- it doesn't fit the
22 traditional model of a policy statement. Umm, at best
23 it's -- it's a flow chart -- chart of work, a procedural
24 flow chart.

25 Q Is it suggested guidelines for working CAT

1 matters?

2 A Yes.

3 Q Let's look at the second page that's headed
4 "Intake/Scanning." Looking at the fourth bullet point
5 there, it says, "Determine if there are legitimate,
6 ongoing issues that needed addressing. If so, create a
7 CAT event."

8 What criteria were used to decide whether a CAT
9 event was appropriate to create?

10 A My understanding from the -- the CAT officer's
11 standpoint is, umm, the number of calls for service, umm,
12 and -- and what was the type of call for service. It
13 could be one call for service, such as drug dealing in
14 which an arrest was made at the -- the location, so one
15 event could rise to the level of being considered a -- a
16 problem location, or multiple events over time.

17 Q Okay. So it was entirely within the discretion
18 of the individual officer?

19 A Umm, yes.

20 Q Are you aware of any training that occurred
21 regarding making that decision as to whether a CAT event
22 was or wasn't appropriate?

23 A Umm, I'm not aware of -- of that -- that
24 training.

25 Q Was it your understanding that suspicion that an

1 criminal in nature. Could be an argument among parties
2 that just got loud but not physical.

3 Q It's your understanding that CAT usually
4 responds to crimes in progress?

5 A Umm, no. They usually respond to after an
6 incident has happened.

7 Q And can non-criminal activity be the basis for
8 the creation of a CAT event?

9 A Again, it would -- would it -- typically, no
10 probably would be the best answer. Again, it's a
11 case-by-case decision based upon the information and the
12 facts that the Community Action Team officers have at the
13 time; they determine that.

14 Q And so in that regard too, is the decision
15 whether to create a CAT event based on non-criminal
16 conduct left solely to the discretion of the officer?

17 A The decision to decide whether a problem
18 location becomes a -- rises to a level to become a -- a
19 CAT event is based upon on a case-by-case decision by the
20 toe Community Action Team officers. That's probably --
21 the -- the best example I can give you. It's case by
22 case.

23 Q Uh-huh. Looking at -- if we go back to Exhibit
24 3, which is the flow chart --

25 A Uh-huh.

1 Q -- under is that same bullet we were looking at,
2 bullet four, umm, the next statement there, there's a
3 list that says, "Give the problem house one of four
4 ownership titles, owner occupied, rental, HUD, or other."

5 Is it common practice for the CAT team to
6 document whether a problem location is receiving
7 Section 8 assistance.

8 A I think what the officers are trying to do is
9 identify who has standing with the property, whether it's
10 owner occupied, it's a straight landlord-tenant
11 relationship, or it's a landlord-tenant and the
12 Housing Authority relationship, or it's a business or
13 generally it would be like a park, umm, or a street
14 corner in which narcotic activity is occurring at.

15 Q Okay. And you -- you explained the purpose for
16 this, and I appreciate that. The question was is it
17 CAT's practice to document whether identified problem
18 locations are receiving Section 8 assistance?

19 A Again, if -- I think what you're trying to
20 determine is in that process they may determine that it
21 is a -- a Section 8 subsidized house, but they're trying
22 to determine who has property standing in -- in this
23 model.

24 Q Okay. So was the answer to my question "yes"?

25 A I would say it was documented that way. Yes.

1 Q -- violent crime.

2 Those were all crimes. Right?

3 A Yes.

4 Q Because those are all subsets of criminal
5 behavior?

6 A Yes.

7 Q All right. In your view could the problem house
8 designation be based on either criminal or non-criminal
9 conduct?

10 A What I find, it tends to be both.

11 Q Could it be just non-criminal conduct that could
12 lead to a property being a problem house?

13 A If it's a violation of HUD guidelines, that
14 could be, umm, more of a -- a procedural policy program,
15 umm, violation under HUD.

16 Q And so part of what the APD was taking into
17 account in deciding what were problem houses was whether
18 the houses were in compliance with HUD Section 8
19 guidelines?

20 A I guess what I'm -- probably the -- the -- the
21 clear answer to -- to answer your question would be it's
22 a case-by-case basis and incorporates both criminal
23 behavior and can include non-criminal behavior. Umm, to
24 try to find a solution to the problem.

25 Q So the problem house definition is just

1 case-by-case?

2 A I would say the interpretation of -- of what is
3 a problem house is case-by-case, yes.

4 Q Okay. Do you disagree with Captain McConnell's
5 formulation here?

6 A No, I don't.

7 Q Okay. Umm, now, there's some -- then if you
8 look at the third paragraph down, it says, "The
9 Community Action Team began working with personnel from
10 the local CHA office and quickly realized the CHA office
11 was under-staffed, inexperienced, and mired in
12 bureaucracy."

13 Did you agree with that assessment at the time
14 by Captain McConnell?

15 A Yeah. That was actually a similar wording to
16 what Rudy Tamayo had related to us that -- when we had
17 asked could you please handle these complaints" from the
18 community around -- if it ended up being a subsidized
19 home under your umm, preview that, you know, could you
20 please handle these complaints, and it would be a lot
21 easier for the Police department just to refer these
22 issues to the Housing Authority and not have to address a
23 lot of the issues with these properties.

24 And his comments back were, "We're
25 under-staffed, we have limited training, and we have a

1 fine with that.

2 Q Okay. Did you -- were any of the folks in the
3 CAT unit, did you ever hear them suggest that they really
4 wanted the list?

5 A You know, I think initially, umm -- as far as
6 their discussions, I don't -- I don't recall their
7 discussions.

8 I know my discussions with Mr. Tamayo were that,
9 umm, if we provided 'em with the addresses of every house
10 an officer went to in Antioch and then, you know, he
11 could tell us if they were Section 8, we're like well,
12 isn't it easier to just give us the list and then we can
13 tell you which ones are important? So we discussed that
14 issue. It never -- it never occurred.

15 Q So your recollection is that Mr. Tamayo was
16 volunteering to share information with you about which
17 households were on Section 8?

18 A Yes, and in that process we're trying to find
19 some type of, you know, agreement in doing that.

20 MR. GILLIAM: Okay. Let's -- let's mark Exhibit
21 123.

22 MR. FITZGERALD: It's about time to take a break
23 I think.

24 MR. GILLIAM: Yeah. This is the last one on
25 this topic, so why don't we go one more and then --

1 Q Did you -- do you recall whether you asked him
2 to do more investigation about the Section 8 home that's
3 described here?

4 A Well, my concern -- I don't know if I asked him
5 to do additional investigation. My concern was if this
6 person was at a prior residence that generated a number
7 of calls for service and moved from that residence to
8 another one, what was happening in the Housing Authority
9 process, umm, for review, No. 1.

10 Umm, No. 2, the issues of the person being on,
11 umm, -- had a prior felony convictions for drug sales and
12 fraud, umm, and being on felony probation for fraud
13 conviction. I was rather startled by, umm, the picture
14 of the home in which the person moved into again from
15 a -- a program management perspective of, umm, you could
16 help two families with the -- the rent you would be
17 paying for one expensive home. You could use that money
18 to help two families, so the frustration over the, umm,
19 the program management and the tenant screening.

20 Q And that's something you felt frustration about?

21 A Yes.

22 Q And a number of people in the community felt
23 frustration about that too, did they not?

24 A Yes.

25 Q The fact that Section 8 recipients were living

1 in very nice, very expensive homes?

2 A From the community. Several community members
3 had related that it defied logic that, umm, someone who
4 was receiving a federal subsidy could live in a home,
5 umm, worth a million dollars on -- on the real estate
6 market at the time.

7 Q And were citizens -- citizens in the community
8 were calling on the Police department for action about
9 that, weren't they?

10 A I think what citizens were calling for was, one,
11 that the Housing Authority would better manage the
12 program and, two, that the Police department would work
13 on crime issues reference problem properties and that the
14 expectation is that the Police department and the
15 Housing Authority would work together if they need to.

16 Q And understanding that though you would agree
17 that the sort of program management types of things that
18 you're talking about, umm, how much the voucher is, what
19 type of house the Section 8 recipient can live in, that's
20 not a law enforcement concern, is it?

21 A A law enforcement concern? No, but it defies
22 logic that the -- even in the -- in the HUD audits, the
23 federal HUD audits it pointed out that basing the value
24 of San Francisco rental properties and applying it to
25 Contra Costa County, umm, was not an appropriate use of

1 funds. I think that was one of their concerns.

2 Q Okay. And you shared that view.

3 A I -- I did, yeah. You could help two families
4 out instead of one by being wiser in how you -- where you
5 allocate your -- your program dollars.

6 Q This -- then the email -- you forward
7 Captain McConnell's email to Jim Jakel and
8 Arlene Hildebrand and also Captain Cantando. "Jim, FYI,
9 another Section 8 story."

10 Had -- had you talked with Mr. Jakel about the
11 idea of gathering stories about Section 8 properties?

12 A Umm, Mr. Jakel wanted me to in a Quality of Life
13 Forum share information about the status of work between
14 the Police department, Housing Authority around problem
15 properties. Some of those problem properties were
16 Section 8 properties.

17 Q Okay. But was there a request for information
18 about Section 8 properties in particular?

19 A It was reference Community Action Team work
20 and -- which included Section 8 properties.

21 Q And so he asked you for information about
22 Community Action Team work and you sent him back another
23 Section 8 story?

24 A I -- I sent him this particular story on Nasswin
25 (phon.). Yes.

1 A It's a mapping model.

2 Q Okay. I see. And so is it the case that
3 Ms. Johnson would type in addresses for the -- the --
4 type in the addresses of the places that had CAT files
5 open on them and it would generate a map like this?

6 A That's my understanding. Yes.

7 Q And in order to generate a map like this, there
8 would need to be something in the system in the data that
9 says whether a property is a Section 8 house as opposed
10 to an owner owned or a rental house?

11 A And that would have been determined by the
12 Community Action Team officers' work on particular
13 properties.

14 Q And the fact that they then put that information
15 into some kind of system at the Department. Right?

16 A Umm, to create this map. Yes.

17 Q Okay. Well, was -- did they -- did they put it
18 into the system to create the map, or was it already in
19 the Department's records?

20 A I don't know.

21 Q Okay.

22 A It had to be in some type of record to be then
23 transferred -- the data transferred over to the -- the
24 mapping model.

25 Q Right. And so the -- the bulk of the Section 8

1 homes on this map are in the southeastern part of
2 Antioch. Is it your understanding that southeast Antioch
3 is the wealthier part of town?

4 A It's -- it's newer housing developments, higher
5 property values.

6 Q And the bulk of the Section 8 residential cases
7 were in that part of town. Correct? Southeast Antioch?

8 A Correct, which was surprising in that, umm, from
9 the -- a program management approach around Section 8
10 properties is that -- my belief is that you would see
11 more of the properties spread across the City, umm, and
12 on the, umm, north side of Highway 4 you have older
13 residential inventory with lower rental prices, so you
14 would think that in managing the money of the
15 Housing Authority you would think that by placing more
16 families into homes you would look for, umm, more
17 affordable rent rates so you could spread your dollars
18 across a -- farther to help more families. The
19 surprising part -- seemed to be a larger number of homes
20 in the more expensive rental property market.

21 Q Is it your understanding that the
22 Housing Authority can dictate to Section 8 recipients
23 where they live?

24 A I have no understanding how they manage that
25 part of their program.

1 State of California)

2 County of Sacramento)

3
4 I, CYNTHIA BYNUM PALMER, CSR, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth, and
7 nothing but the truth in the within-entitled cause; that
8 said deposition was taken at the time and place herein
9 named; that the deposition is a true record of the
10 witness's testimony as reported to the best of my ability
11 by me, a duly Certified Shorthand Reporter and
12 disinterested person, and was thereafter transcribed
13 under my direction into typewriting by computer; that the
14 witness was given an opportunity to read, correct, and
15 sign the deposition.

16 I further certify that I am not interested in
17 the outcome of said action nor connected with nor related
18 to any of the parties in said action nor to their
19 respective counsel.

20 IN WITNESS WHEREOF, I have hereunder subscribed
21 my hand this 6th day of July, 2009.

22
23 Cynthia Bynum Palmer/CSR

24 CYNTHIA BYNUM PALMER, CSR 3556
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANTEYA DANYELL WILLIAMS;)
MARY RUTH SCOTT; KAREN)
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DEPOSITION OF CHIEF JAMES HYDE

VOLUME II

WALNUT CREEK, CALIFORNIA

JULY 24, 2009

REPORTED BY:

Cynthia Bynum Palmer

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Deposition of Chief James Hyde
Volume II, taken on behalf of the
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1
2 APPEARANCES:

3
4 FOR THE PLAINTIFFS:

5 COVINGTON & BURLING, LLP
6 By: Haywood S. Gilliam, Esq.
7 One Front Street
8 San Francisco, California 94111
9 and
10 BINGHAM McCUTCHEN
11 By: Abigail Conzatti Stonecker
12 Three Embarcadero Center
13 San Francisco, California 94111
14

15
16
17 FOR THE DEFENDANT AND DEPONENT:

18 McNAMARA, DODGE, NEY, BEATTY, SLATTERY,
19 PFALZER, BORGES & BROTHERS, LLP
20 By: James V. Fitzgerald, III, Esq.
21 1211 Newell Avenue
22 Walnut Creek, California 94596
23
24
25

1 --o0o--

2 THE VIDEOGRAPHER: Good morning. Here begins
3 Volume II of the deposition of Chief James Hyde in the
4 matter of Santeya Danyell Williams, et al. versus the
5 City of Antioch. This case is filed in the United States
6 District Court, Northern District of California, and the
7 case number is C08-02301-SBA.

8 Today's date is July 24th, 2009, and the time is
9 9:52 a.m. This deposition is taking place at McNamara,
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11 1211 Newell Avenue, Walnut Creek, California, 94596, and
12 is being taken on behalf of the plaintiffs.

13 The reporter is Cindy Palmer, appearing on
14 behalf of U.S. Legal Support. The videographer is
15 Sean Grant, also appearing on behalf of U.S. Legal
16 Support.

17 Counsel, please identify yourselves and state
18 whom you represent.

19 MR. GILLIAM: Haywood Gilliam and Abby Slonecker
20 on behalf of the plaintiffs.

21 MR. FITZGERALD: James Fitzgerald on behalf of
22 defendant City of Antioch, and the deponent, Chief Hyde.

23 THE VIDEOGRAPHER: Would the reporter please
24 swear in the witness.
25

1 CHIEF JAMES HYDE,
2 having been first duly resworn, was examined and
3 testified as follows:

4 THE VIDEOGRAPHER: Counsel?

5 EXAMINATION BY MR. GILLIAM

6 Q Good morning again, Chief.

7 A Good morning.

8 Q And just one housekeeping matter. By our count
9 we've got about two hours and 15 minutes remaining of our
10 seven hours, and I suspect we'll use all of that time,
11 but we'll keep track of that.

12 One thing I think we -- I may do is for
13 efficiency when there are longer documents for you to
14 review we may go off the record, let you review, and come
15 back on and ask the questions to -- to move things along.

16 The same rules apply here today that did in your
17 last deposition. Do you have those in mind?

18 A Yes, I do.

19 Q Is there any reason that you wouldn't be able to
20 recall and testify truthfully here today?

21 A To the best of my knowledge, no.

22 Q No medications, anything like that?

23 A No.

24 Q Okay. Have you reviewed any transcripts of
25 other depositions since we were here last?

1 answer the question.

2 Q (By Mr. Gilliam) If you know.

3 A Umm, what I do know is that a number of
4 community members of African American descent had felt
5 that Bay Area Legal Aid had not approached them as
6 community leaders to seek their input before, umm, they
7 made contrary comments concerning the city of Antioch.

8 Q Okay. So, again, my question -- he seems to be
9 saying he knows that the people who are at issue here are
10 people who are violating the Section 8 rules. My
11 question is, one, did you ever have a discussion with him
12 about that?

13 A No.

14 Q Okay. Do you know if anyone else in the
15 Antioch Police Department had a discussion with him about
16 that?

17 A I do not. I know we had conversations with the
18 Contra Costa Housing Authority in reference community
19 concerns around their management of the program and
20 responsiveness to community complaints.

21 Q So, as far as you know, no one from the
22 Antioch Police Department provided particular information
23 about specific Section 8 voucher recipients to
24 Mr. Gilbert?

25 A Umm, they may have shared information with him

1 when he forwarded citizens' complaints, community member
2 complaints through his organizations to the Department.

3 Q Okay. When you say "may have," would you know
4 if that were the case?

5 A Umm, I do know that the Community Action Team
6 officers were working with community members on trying to
7 address problems, and my assumption is that people were
8 sharing information to help solve problems.

9 Q To include sharing with Mr. Gilbert details
10 about particular Section 8 recipients who were
11 African American?

12 A I don't know what information was shared between
13 the community team -- the Community Action Team officers
14 and Mr. Gilbert, just that Mr. Gilbert had become a way
15 to forward community complaints, neighborhood complaints
16 through his organization, United Citizens for Better
17 Neighborhoods, to the City of Antioch.

18 Q Okay. But so that -- I just need to be clear.

19 To your knowledge did CAT officers share
20 information about particular Section 8 recipients with
21 UCBN?

22 A I'm sure that CAT team officers shared
23 information about problem locations. Were they specific
24 about Section 8 or African American residents? I
25 couldn't answer that question right now. I don't have

1 that information in front of me and don't know if it
2 exists.

3 Q Okay. And that's a fair point.

4 Did anyone within the Antioch Police Department
5 tell you that they had shared information about
6 particular African American Section 8 recipients with
7 UCBN?

8 A Not that I recall. I do know people were
9 working on trying to solve problems at the community
10 level between the Community Action Team officers, the
11 Housing Authority, and neighborhoods.

12 Q When did you first hear about the allegations of
13 racial bias against CAT?

14 A Fairly early on.

15 Q When?

16 A Umm, when the Community Action Team officers
17 would go and contact, umm, tenants who were involved in
18 criminal activity or investigating complaints from
19 neighborhoods, community members.

20 Q I -- I didn't follow that.

21 In other words, when -- when did you first find
22 out that someone, anyone was alleging racial bias against
23 the CAT members?

24 A Umm, pretty much from the beginning. I've been
25 in law enforcement now for almost 30 years, and during

1 State of California)

2 County of Sacramento)

3
4 I, CYNTHIA BYNUM PALMER, CSR, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to testify to the truth, the whole truth, and
7 nothing but the truth in the within-entitled cause; that
8 said deposition was taken at the time and place herein
9 named; that the deposition is a true record of the
10 witness's testimony as reported to the best of my ability
11 by me, a duly Certified Shorthand Reporter and
12 disinterested person, and was thereafter transcribed
13 under my direction into typewriting by computer; that the
14 witness was given an opportunity to read, correct, and
15 sign the deposition.

16 I further certify that I am not interested in
17 the outcome of said action nor connected with nor related
18 to any of the parties in said action nor to their
19 respective counsel.

20 IN WITNESS WHEREOF, I have hereunder subscribed
21 my hand this 8th day of August, 2009.

22
23 Cynthia Bynum Palmer CSR

24 CYNTHIA BYNUM PALMER, CSR 3556
25